

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LEATHIA FAILS, : Case No. 3:21-cv-321
Plaintiff, :
vs. : District Judge Michael J. Newman
H & H OF VANDALIA LLC, : Magistrate Judge Peter B. Silvain, Jr.
Defendant. :
:

ORDER SETTING DISCOVERY CONFERENCE

This matter is before the Court on Defendant’s Motion for Extension of the Discovery and Dispositive Motion Deadlines (Doc. #17). In the Motion, Defendant details its multiple attempts to contact Plaintiff to resolve certain outstanding discovery issues. (Doc. #17, *PageID* #s 163-64). Despite these attempts, Defendant has not received the outstanding discovery responses from Plaintiff. *Id.* In fact, Defendant states that Plaintiff has not responded to any of its attempts to contact her since her counsel withdrew on August 25, 2022. *Id.* at 164. As a result, Defendant requests to extend the discovery deadline from October 28, 2022, to January 26, 2023, and the dispositive motion deadline from December 16, 2022, to March 16, 2023.

In order to ascertain Plaintiff's position on Defendant's request to extend these deadlines and her apparent lack of responsiveness in this case, the undersigned hereby sets a discovery teleconference for **November 22, 2022, at 3:00 p.m.**¹ Plaintiff should be prepared to address her position on Defendant's Motion (Doc. #17) at the November 22, 2022 teleconference. Plaintiff is

¹ TELECONFERENCE INSTRUCTIONS: Please call 888-363-4735. The access code is 6287286. The security code is 123456. If you have any questions, please call Chambers at 937-512-1620.

further advised that failing to follow a court order could result in adverse consequences, including dismissal of this case for failure to prosecute. *See* Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or nay claim against it.”).

IT IS SO ORDERED.

November 7, 2022

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.
United States Magistrate Judge